

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

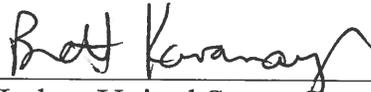
FLAMINGO LAS VEGAS OPERATING COMPANY, LLC))	
)	
Petitioner/Cross-Respondent)	Nos. 15-1024
)	15-1047
v.)	
)	Board Case Nos.
NATIONAL LABOR RELATIONS BOARD)	28-CA-069588
)	28-CA-073617
Respondent/Cross-Petitioner)	

JUDGMENT

Before: KAVANAUGH and WILKINS, *Circuit Judges*,
and SILBERMAN, *Senior Circuit Judge*

THIS CAUSE came to be heard upon a petition filed by Flamingo Las Vegas Operating Company, LLC to review an Order of the National Labor Relations Board dated December 10, 2014, in Case Nos. 28-CA-069588 and 28-CA-073617, reported at 361 NLRB No. 130, and upon a cross-application for enforcement filed by the National Labor Relations Board to enforce said Order. The Court heard argument of the parties and has considered the briefs and agency record filed in this cause. On June 10, 2016, the Court, being fully advised in the premises, handed down its opinion granting in part the petition of Flamingo Las Vegas Operating Company, LLC and granting in part the Board's cross-petition for enforcement. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that Flamingo Las Vegas Operating Company, LLC, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendices).



Judge, United States Court of Appeals
for the District of Columbia Circuit



Judge, United States Court of Appeals
for the District of Columbia Circuit



Judge, United States Court of Appeals
for the District of Columbia Circuit

ENTERED:

NATIONAL LABOR RELATIONS BOARD

v.

FLAMINGO LAS VEGAS OPERATING COMPANY, LLC

ORDER

Flamingo Las Vegas Operating Company, LLC, Las Vegas, Nevada, its officers, agents, successors, and assigns, shall

1. Cease and desist from

- (a) Instructing employees that they should not incite other employees and should keep their mouths shut or there will be consequences, or otherwise instructing employees not to engage in concerted activities.
- (b) Threatening employees with more strictly enforced work rules and job loss if they select the Union as their collective-bargaining representative.
- (c) Threatening employees with discipline, including discharge, if they select the Union as their collective-bargaining representative.
- (d) Threatening employees by informing them that they were disloyal because they supported the Union and engaged in union activities.
- (e) Coercively interrogating employees about their union membership, activities, and sympathies.
- (f) Soliciting complaints and grievances from employees and promising improved terms and conditions of employment in order to discourage employees from supporting the Union.
- (g) Promising employees improved terms and conditions of employment by informing them that an objectionable supervisor had been transferred from its facility to dissuade them from supporting the Union.
- (h) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

- (a) Within 14 days after service by the Region, post at the Flamingo, O'Sheas, and Bill's, all located in Las Vegas, Nevada, copies of the attached notice marked "Appendix." Copies of the notice, on forms

provided by the Regional Director for Region 28, after being signed by the Respondent's authorized representative, shall be posted by the Respondent at all three properties mentioned above and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current and former security officers employed by the Respondent at any time since September 3, 2011.

- (b) Within 21 days after service by the Region, file with the Regional Director for Region 28 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE
UNITED STATES COURT OF APPEALS ENFORCING AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO
Form, join, or assist a union
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT instruct you that you should not incite other employees and should keep your mouths shut or there will be consequences, or otherwise instruct you not to engage in concerted activities.

WE WILL NOT threaten you with more strictly enforced work rules and job loss if you select International Union, Security, Police and Fire Professionals of America (SPFPA) (the Union) as your collective-bargaining representative.

WE WILL NOT threaten you with discipline, including discharge, if you select the Union as your collective-bargaining representative.

WE WILL NOT threaten you by informing you that you are disloyal because you support the Union and engage in union activity.

WE WILL NOT coercively interrogate you about your union membership, activities, and sympathies.

WE WILL NOT solicit your complaints and grievances and promise you improved terms and conditions of employment in order to dissuade you from supporting the Union.

WE WILL NOT promise you improved terms and conditions of employment by informing you that an objectionable supervisor has been transferred from the property to dissuade you from supporting the Union.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

FLAMINGO LAS VEGAS OPERATING COMPANY, LLC

The Board's decision can be found at www.nlr.gov/case/28-CA-069588 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.



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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, I electronically filed the foregoing document with the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1099 14th Street, NW
Washington, DC 20570

Dated at Washington, D.C.
this 20th day of June, 2016